

RETURN DATE: JULY 19, 2022 : SUPERIOR COURT  
LYDIA N. MARTINEZ and MARIA H. PEREIRA : JUDICIAL DISTRICT OF FAIRFIELD  
VS. : AT BRIDGEPORT  
CITY OF BRIDGEPORT, ET AL. : JULY 5, 2022

VERIFIED COMPLAINT

FIRST COUNT (Declaratory Judgment)

1. Lydia N. Martinez ("Martinez") and Maria H. Pereira ("Pereira") (collectively, the "Plaintiffs") are residents and electors of the City of Bridgeport.
2. Martinez resides at 92 Grant Street, which is currently located in the 137th City Council District.
3. Pereira resides at 206 Bradley Street in the 138th City Council District, which she represents as an elected member of the Bridgeport City Council (the "City Council"). She brings this civil action in her official capacity as a member of the City Council.
4. Defendant City of Bridgeport (the "City") is a body politic and corporate capable of being sued in all actions and suits whatsoever, pursuant to Chapter 1, Section 1 of the Charter of the City of Bridgeport (the "City Charter").
5. Defendant Jeanette Herron is the City Council Majority Leader and is named herein solely in her official capacity as the person who is charged by Chapter 5, Section 2(b) of the City Charter with the appointment of three members of a commission on redistricting.

6. Defendant Linda A. Grace is the Republican Registrar of Voters of the City and is named herein solely in her official capacity as an election official of the City with respect to, inter alia, Title 9 of the Connecticut General Statutes, and the person who is charged by Chapter 5, Section 2(b) of the City Charter with the appointment of three members of a commission on redistricting.

7. Defendant Patricia A. Howard is the Democratic Registrar of Voters of the City and is named herein solely in her official capacity as an election official of the City with respect to, inter alia, Title 9 of the Connecticut General Statutes, and Chapter 5, Section 2 of the City Charter.

8. Defendant Charles D. Clemons, Jr. is the Town Clerk of the City and is named herein solely in his official capacity as an election official of the City who is charged with duties to perform with respect to voting districts established by the City pursuant to Title 9 of the Connecticut General Statutes.

9. Bridgeport Municipal Code ("Code") Section 2.06.010 provides for the City to be divided into ten districts for the election of members of the city council, and for the election of two members of the city council from each district.

10. Code Section 2.06.010, as amended on April 20, 2020, provides in subsection C, "This section shall remain in place until a new plan is adopted following the next decennial federal census pursuant to C.G.S. Sec. 9-169f and the city Charter, Chapter 5, Section 2, and governing statutory and constitutional provisions as a result of, or as otherwise required by statute or court order."

11. C.G.S. Section 9-169f provides, in its entirety:

Not later than June first in the year after the first regular General Assembly election following a reapportionment of the General Assembly, each municipal legislative body whose members are elected wholly or partially on the basis of a geographical division of the municipality shall adopt a reapportionment plan for such legislative body. Any such municipal reapportionment plan (1) shall be based on population data for the municipality from the most recent decennial census of the United States and (2) may provide for geographical divisions which use the same borders as General Assembly districts in the municipality.

12. Section 6a of Article Third of the Constitution of the State of Connecticut provides, in pertinent part:

On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee.... Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. ... Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article.

13. Section 6b of Article Third of the Constitution of the State of Connecticut provided, in pertinent part:

If the general assembly fails to adopt a plan of districting by the fifteenth day of the September next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission.... The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

14. The year in which the decennial census of the United States was most recently taken was 2020, with the U.S. Census Bureau having ended its self-response and field data collection operations for the 2020 decennial census on October 15, 2020.

15. The fifteenth day of February next following 2020 was February 15, 2021.

16. Although the statutory deadline for the U.S. Census Bureau to provide redistricting data to the states, pursuant to 13 U.S.C. § 141(c), was April 1, 2021, as a result of COVID-19-related operational adjustments, the U.S. Census Bureau did not provide the redistricting data to the states until August 12, 2021.

17. The Plaintiffs do not have knowledge of whether the General Assembly appointed a reapportionment committee by the February 15, 2021 deadline set by Section 6a of Article Third of the Constitution of the State of Connecticut, but a reapportionment committee was appointed, yet did not hold its organizational meeting until April 26, 2021.

18. The General Assembly did not adopt a plan of redistricting by September 15, 2021.

19. As a result of the General Assembly not having adopted a plan of redistricting by September 15, 2021, Governor Ned Lamont appointed a Reapportionment Commission pursuant to Section 6b of Article Third of the Constitution of the State of Connecticut on September 20, 2021.

20. The General Assembly was reapportioned by the Reapportionment Commission on November 18, 2021, when it adopted the House of Representatives 2021 redistricting plan, and on November 23, 2021, when it adopted the State Senate 2021 redistricting plan.

21. City Charter Chapter 5, Section 2, which governs redistricting of the City Council, provides, in its entirety:

(a) On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the city council shall, by ordinance, establish ten districts which shall be effective on the first day of January next succeeding. Such districts shall be established in conformity with provisions of the general law and by making each such district as equal in population to each other such district as possible, taking into consideration senate and assembly district lines and natural boundaries and divisions.

(b) If the city council fails to adopt a plan of districting by the first day of July next following the year in which the decennial census of the United States is taken, there shall be created a commission on redistricting composed of six members, three of whom shall be appointed by the leader of the majority party on the city council and three of whom shall be appointed by the leader of the minority party in the city council. In the event that there is only one party on the city council, the minority party members shall be appointed by the registrar of voters whose party is not represented on the city council. Such commission shall forthwith prepare and, not later than the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in subSection (a) of this section. The affirmative votes of at least four members of such commission shall be required in order to adopt a plan of districting.

(c) A plan of districting adopted pursuant to the provisions of this Section shall remain in effect until the first day of January following the decennial census of the United States.

(d) The city council shall provide suitable polling places in such districts and shall define the boundaries of the area to be served by each polling place. The town clerk, registrar of voters and all other officers of the city shall perform the duties required of them by law with respect to elections in the voting districts.

(e) Notwithstanding the adoption of a plan of districting, council members shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

22. The first day of July next following 2020 was July 1, 2021.

23. Although it was not at fault, as a result of the U.S. Census Bureau's failure to provide the redistricting data to the states until August 12, 2021, for missing the

February 15, 2021 deadline set by City Charter Chapter 5, Section 2(a), the fact remains that the City Council did not, by ordinance, establish ten districts on or before February 15, 2021 as equal in population to each other such district as possible.

24. Although it was not at fault, as a result of the U.S. Census Bureau's failure to provide the redistricting data to the states until August 12, 2021, for missing the July 1, 2021 deadline set by City Charter Chapter 5, Section 2(b), the fact remains that the City Council did not adopt a plan of redistricting by July 1, 2021.

25. As a result of the City Council's not having adopted a plan of redistricting by July 1, 2021, City Charter Chapter 5, Section 2(b) required the appointment of a commission on redistricting composed of six members, three of whom were to be appointed by the leader of the majority party on the City Council, i.e., the Democratic party, and since the Democratic party is the only party on the City Council, three of whom were to be appointed by the Registrar of Voters of the minority party, i.e., the Republican Registrar of Voters.

26. No commission on redistricting was appointed, in violation of City Charter Chapter 5, Section 2(b).

27. Instead, contrary to the requirements of City Charter Chapter 5, Section 2(b), the City Council established a Special Committee on Redistricting on December 20, 2021.

28. The Special Committee on Redistricting did not hold its first meeting, which was an informational session, until April 5, 2022.

29. Although redistricting of the City Council is a purely legislative function of the City Council, pursuant to City Charter Chapter 5, Section 2, the City Attorney, acting without the authorization of the City Council, and without any contracting authority under the City Charter or the Code, contracted with Election Data Services, Inc. of Manassas, Virginia, a redistricting consultant, to prepare and recommend to the Special Committee on Redistricting a proposed City Council redistricting map.

30. The Special Committee on Redistricting held two meetings, an "informational session" on April 5, 2022 with Kimball W. Brace, the President of Election Data Services, Inc., and a "special meeting", called on 24-hours' notice, on June 23, 2022 at which it approved proposed amendments to Code Section 2.06.010 to effect the redistricting of the ten City Council districts, incorporating a new map which redrew the boundaries of every City Council district except the 130th and the 132nd.

31. On June 28, 2022, the City Council met at a special meeting, called on 24-hours' notice, and adopted the proposed amendments to Code Section 2.06.010 which had been approved by the Special Committee on Redistricting.

32. The new City Council district map adopted by the City Council on June 28, 2022, was ostensibly based on a target population per district of 14,936 in order to make "each such district as equal in population to each other such district as possible", as required by City Charter Chapter 5, Section 2(a).

33. Contrary to that requirement of City Charter Chapter 5, Section 2(a), the new City Council district map adopted by the City Council on June 28, 2022, reduced the population of Martinez' 137th District, despite the fact that its population was already

less than the target population, and added to the 139th District the population taken away from the 137th District, despite the fact that the population of the 139th District already exceeded the target population, and moved Martinez' place of residence out of the 137th District and into the larger 139th District, thereby proportionately diluting the effectiveness of her vote for City Council in the larger 139th District.

34. Martinez is therefore classically aggrieved by the City Council's unlawful adoption on June 28, 2022 of the amendments to Code Section 2.06.010, and the failure of the City Council Majority Leader and the Republican Registrar of Voters to appoint a commission on redistricting, as required by City Charter Chapter 5, Section 2(b), as she asserts a specific, personal and legal interest in maintaining the effectiveness of her vote, and the effectiveness of her vote has been specifically and injuriously affected by the unlawful changes in the boundaries and population of the 137th and 139th City Council Districts.

35. As a result of the failure of the City Council to establish by ordinance ten districts on or before February 15, 2021 as equal in population to each other such district as possible, the failure of the City Council to adopt a plan of redistricting by July 1, 2021, and the City Council's unlawful establishment of a Special Committee on Redistricting on December 20, 2021 instead of creating a commission on redistricting after the July 1, 2021 deadline was missed, all contrary to the requirements of City Charter Chapter 5, Section 2, when the unlawfully appointed Special Committee on Redistricting - assisted by a redistricting consultant for whose services the City Attorney unlawfully contracted - referred to the City Council the proposed amendments to Code



Section 2.06.010, including a redistricting map which it had no lawful authority to present, which amendments the City Council adopted on June 28, 2022, Pereira, as a member of the City Council, was deprived of the opportunity to vote on lawfully presented proposed legislation.

36. Pereira is therefore classically aggrieved by the City Council's unlawful adoption on June 28, 2022 of the amendments to Code Section 2.06.010, and the failure of the City Council Majority Leader and the Republican Registrar of Voters to appoint a commission on redistricting, as required by City Charter Chapter 5, Section 2(b), as she asserts a specific, personal and legal interest in her right as a member of the City Council to vote on lawfully presented proposed legislation, and the effectiveness of her vote as a member of the City Council has been specifically and injuriously affected by the unlawful actions of the City Council and the City Attorney.

37. There is uncertainty as to the rights or other jural relations of the Plaintiffs and the Defendants with respect to lawfulness of the redistricting of the City Council districts by the June 28, 2022 amendments to Code Section 2.06.010, and there is a bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations requiring settlement between the parties.

38. Accordingly, the Plaintiffs seek a declaratory judgment declaring that the June 28, 2022 amendments to Code Section 2.06.010 are contrary to City Charter Chapter 5, Section 2 and therefore unlawful, and that pursuant to City Charter Chapter 5, Section 2(b), the City must, through the City Council Majority Leader and the Republican Registrar of Voters, create a commission on redistricting composed of six

members, three of whom are to be appointed by the City Council Majority Leader, and three of whom are to be appointed by the Republican Registrar of Voters, which commission on redistricting must, pursuant to City Charter Chapter 5, Section 2(b), forthwith prepare and, not later than December 1, 2022, i.e., the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in City Charter Chapter 5, Section 2(a) (notwithstanding the later deadline of June 1, 2023 set forth in C.G.S. Section 9-169f, i.e., June first in the year after the first regular General Assembly election (which will occur in November 2022) following a reapportionment of the General Assembly (which occurred in November 2021).

SECOND COUNT (Temporary and Permanent Injunction)

1 - 37. Paragraphs 1 - 37 of the First Count are hereby made Paragraphs 1 - 37 of the Second Count.

38. The Plaintiffs have no adequate remedy at law to remedy the above-described unlawful June 28, 2022 adoption of amendments to Code Section 2.06.010 in violation of City Charter Chapter 5, Section 2 and will suffer irreparable harm if enforcement of the unlawfully adopted amendments to Code Section 2.06.010 are not temporarily and permanently enjoined and if the City Council Majority Leader and the Republican Registrar of Voters are not mandatorily enjoined to appoint a commission on redistricting pursuant to City Charter Chapter 5, Section 2(b).

THIRD COUNT (Writ of Mandamus as to Defendants Jeanette Herron and Linda A. Grace)

1 - 37. Paragraphs 1 - 37 of the First Count are hereby made Paragraphs 1 - 37 of the Third Count.

38. The City Council Majority Leader and the Republican Registrar of Voters have a legal duty, the performance of which is mandatory and not discretionary, to appoint a commission on redistricting pursuant to City Charter Chapter 5, Section 2(b).

39. The failure of the City Council Majority Leader and the Republican Registrar of Voters to appoint a commission on redistricting is in violation of their respective legal duties under the City Charter Chapter 5, Section 2(b).

40. The Plaintiffs have a legal right to have the Court enforce the respective legal duties of the City Council Majority Leader and the Republican Registrar of Voters under City Charter Chapter 5, Section 2(b) to appoint a commission on redistricting.

WHEREFORE, the Plaintiffs request:

1. a declaratory judgment declaring that the June 28, 2022 amendments to Code Section 2.06.010 are contrary to City Charter Chapter 5, Section 2 and therefore unlawful, and that pursuant to City Charter Chapter 5, Section 2(b), the City must, through the City Council Majority Leader and the Republican Registrar of Voters, create a commission on redistricting composed of six members, three of whom are to be appointed by the City Council Majority Leader, and three of whom are to be appointed by the Republican Registrar of Voters, which commission on redistricting must, pursuant to City Charter Chapter 5, Section 2(b), forthwith prepare and, not later than December 1, 2022 adopt, a plan of redistricting consistent with the principles set forth in City Charter Chapter 5, Section 2(a);
2. a temporary and permanent injunction enjoining enforcement of the amendments to Code Section 2.06.010 which were unlawfully adopted by the City Council on June 28, 2022, and mandatorily enjoining the City Council Majority Leader and the Republican Registrar of Voters to appoint a commission on redistricting pursuant to City Charter Chapter 5, Section 2(b);
3. an writ of mandamus commanding the City Council Majority Leader and the Republican Registrar of Voters to appoint a commission on redistricting pursuant to City Charter Chapter 5, Section 2(b);
4. the costs of this action; and
5. such other and further relief to which the Plaintiffs may be entitled at law or in equity.

The Plaintiffs, LYDIA N. MARTINEZ and  
MARIA H. PEREIRA

By:

A handwritten signature in blue ink, appearing to read "Jonathan J. Klein", is written over a horizontal line.

Jonathan J. Klein

Juris Number 305638

Parlatore Law Group, LLP

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Bridgeport, Connecticut 06604

(203) 330-1900

Their Attorney

RETURN DATE: JULY 19, 2022

: SUPERIOR COURT

LYDIA N. MARTINEZ and MARIA H. PEREIRA : JUDICIAL DISTRICT OF FAIRFIELD

VS.

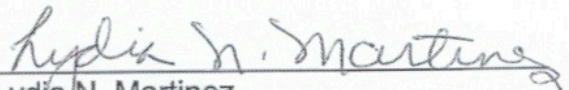
: AT BRIDGEPORT

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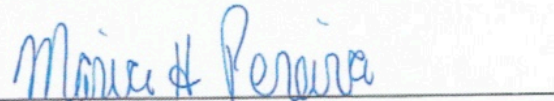
VERIFICATION

I have read the foregoing Verified Complaint and hereby verify that the facts pled therein are true to the best of my knowledge and belief.


  
Lydia N. Martinez

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 2022.

  
Notary Public  
My commission expires: 6/30/24  
Commissioner of the Superior Court

  
Maria H. Pereira

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 2022.

  
Notary Public  
My commission expires: 6/30/24  
Commissioner of the Superior Court